

AMENDED IN SENATE APRIL 14, 1998

SENATE BILL

No. 2044

Introduced by Senator Rainey

February 20, 1998

An act to amend ~~Section 7583.9 of Sections 7583.9 and 7583.11 of~~, and to add Section 7583.43 to, the Business and Professions Code, relating to private patrol operators.

LEGISLATIVE COUNSEL'S DIGEST

SB 2044, as amended, Rainey. Private patrol operators.

Existing law, known as the Private Security Services Act, provides, among other things, for the licensure and regulation of private patrol operators by the Bureau of Security and Investigative Services, and requires employees of those licensees who perform the function of a security guard or security patrolperson to apply for registration with, *and submit 2 classifiable fingerprint cards to*, the bureau within 3 working days after ~~employment~~ *they are first compensated*, as specified. *Existing law provides that an employee of a licensee may, subject to specified exceptions, be assigned to work with a temporary registration card, generally valid for no more than 120 days, until the bureau issues a registration card or denies the application for registration.*

This bill would ~~make a technical, nonsubstantive change to that registration provision~~ *instead provide that the application for registration as a security guard or security patrolperson must be made within 3 working days after the person is initially hired to perform those services, and would allow the applicant, as an alternative to submitting to the*

bureau 2 classifiable fingerprint cards, to instead submit evidence that he or she has submitted fingerprints electronically into a system administered by the Department of Justice. It would require the Department of Justice, upon receiving electronic fingerprints from an applicant, to determine whether the applicant has been convicted of any crime and to forward that information to the bureau.

This bill would also provide that temporary registration cards shall generally be valid for no more than 60 days, rather than 120 days, and would require that those cards include certain specified information regarding the private patrol operator employer or training facility that issued the cards and a disclosure statement that the holder of the card has not completed a full criminal history investigation. This bill would make related changes and would state legislative findings and declarations.

Existing law makes it a crime to violate any of the provisions of the Private Security Services Act. By adding new requirements within that act with respect to the registration of security guards and security patrol persons, this bill would expand the scope of an existing crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the
2 following:

3 (a) There have been several documented cases of
4 security guards who have committed serious crimes while
5 working with a temporary registration issued by
6 employers pending a criminal history investigation. Many
7 of these guards had failed to disclose criminal histories



1 *that would preclude registration by the Bureau of*
2 *Security and Investigative Services within the*
3 *Department of Consumer Affairs.*

4 *(b) More than 2,500 security guards a year, who were*
5 *issued temporary registrations, have had their*
6 *registrations revoked because of a criminal history that*
7 *was unreported in the initial application.*

8 *(c) The current system which permits employers and*
9 *trainers of security guards to issue temporary registration*
10 *to security guards without a prior criminal background*
11 *check jeopardizes the health, welfare and safety of the*
12 *public, clients who contract for security guard services,*
13 *and coworkers.*

14 *(d) Under existing practices, clients who use security*
15 *guards may not be informed as to the existence of the*
16 *criminal history status of security guards possessing*
17 *temporary registrations.*

18 *(e) Existing technology and administrative processes*
19 *may not permit timely criminal history investigations for*
20 *applicants when private patrol operators and clients have*
21 *an urgent need for security.*

22 *(f) This act is intended to ensure that clients who*
23 *contract for security guards are aware that security*
24 *guards working with a temporary registration have not*
25 *been screened for criminal histories.*

26 *(g) This act is an interim step toward the eventual*
27 *elimination of temporary registrations at that time when*
28 *technological advances make timely criminal*
29 *background investigations possible before applicants*
30 *actually commence employment.*

31 *SEC. 2. Section 7583.9 of the Business and Professions*
32 *Code is amended to read:*

33 *7583.9. (a) Within three working days after the*
34 *commencement of employment, an employee who*
35 *performs the function of a security guard or security*
36 *patrolperson who is not currently registered with the*
37 *bureau, shall submit to the bureau a completed*
38 *application for registration on a form as prescribed by the*
39 *director, two classifiable fingerprint cards or evidence*
40 *that he or she has submitted fingerprints electronically*

1 into a system administered by the Department of Justice,
2 and the appropriate registration fee. “Within three
3 working days after employment” means within 72 hours
4 from the time an employee is ~~first compensated initially~~
5 hired by a licensee for security guard or security
6 patrolperson services. ~~No application is required to be~~
7 ~~submitted if the employee terminates within the three~~
8 ~~working days. The services. No applicant may report to~~
9 ~~a client for employment without first having completed~~
10 ~~an application and having submitted fingerprints to the~~
11 ~~appropriate authority. The licensee shall maintain~~
12 ~~supplies of applications and fingerprint cards which shall~~
13 ~~be provided by the bureau upon request.~~

14 (b) Applicants who choose to submit their fingerprints
15 into an electronic fingerprinting system administered by
16 the Department of Justice shall have their fingerprints
17 entered into the system through a terminal operated by
18 a law enforcement agency or other facility authorized by
19 the Department of Justice to conduct electronic
20 fingerprinting. The enforcement agency responsible for
21 operating the terminal may charge a fee sufficient to
22 reimburse it for costs incurred in providing this service.

23 (c) Upon receipt of an applicant’s electronic
24 fingerprints, the Department of Justice shall determine
25 whether the applicant has been convicted of any crime
26 and shall forward that information to the bureau.

27 SEC. 3. Section 7583.11 of the Business and
28 Professions Code is amended to read:

29 7583.11. (a) Except as provided in subdivision (b), an
30 employee of a licensee may be assigned to work with a
31 temporary registration card which indicates completion
32 of the course in the exercise of the power to arrest until
33 the bureau issues a registration card or denies the
34 application for registration. A temporary registration
35 card shall in no event be valid for more than ~~120~~ 60 days.
36 However, the director may extend the expiration date
37 beyond the ~~120~~ 60 days at any time when there is an
38 abnormal delay in processing applications for prospective
39 security guards. For purposes of this section, the ~~120-day~~

1 60-day period shall commence on the date the applicant
2 signs the application.

3 (b) An employee who has been convicted of a crime
4 prior to applying for a position as a security guard shall not
5 be issued a temporary registration card and shall not be
6 assigned to work as a security guard until the bureau
7 issues a permanent registration card. This subdivision
8 shall apply only if the applicant for registration as a
9 security guard has disclosed the conviction to the bureau
10 on his or her application form, or if the fact of the
11 conviction has come to the attention of the bureau
12 through official court or other governmental documents.
13 In no event shall the director, the department, the
14 bureau, the chief, or the State of California be liable for
15 any civil damages in the event of the issuance of a
16 temporary registration where the applicant has falsified
17 his or her application to conceal a prior criminal
18 conviction.

19 (c) *A temporary registration card issued pursuant to*
20 *this section shall include the name, address, and license*
21 *number of the private patrol operator employer or*
22 *training facility that issued the temporary registration*
23 *card.*

24 SEC. 4. *Section 7583.43 is added to the Business and*
25 *Professions Code, to read:*

26 7583.43. (a) *A private patrol operator shall notify his*
27 *or her client in writing whenever assigning a security*
28 *guard possessing a temporary registration card, that the*
29 *security guard has not completed a full criminal history*
30 *investigation. The temporary registration card shall have*
31 *printed on its face in bold letters a disclosure statement,*
32 *in a form determined by the director, that the holder has*
33 *not completed a full criminal history investigation and*
34 *that his or her criminal history is unknown.*

35 (b) *This section does not apply to a security guard*
36 *possessing a valid permanent security guard registration*
37 *issued under this chapter.*

38 SEC. 5. *No reimbursement is required by this act*
39 *pursuant to Section 6 of Article XIII B of the California*
40 *Constitution because the only costs that may be incurred*

1 *by a local agency or school district will be incurred*
2 *because this act creates a new crime or infraction,*
3 *eliminates a crime or infraction, or changes the penalty*
4 *for a crime or infraction, within the meaning of Section*
5 *17556 of the Government Code, or changes the definition*
6 *of a crime within the meaning of Section 6 of Article*
7 *XIII B of the California Constitution.*

8 *Notwithstanding Section 17580 of the Government*
9 *Code, unless otherwise specified, the provisions of this act*
10 *shall become operative on the same date that the act*
11 *takes effect pursuant to the California Constitution.*

